

AMENDED IN SENATE AUGUST 9, 2010

AMENDED IN SENATE JUNE 14, 2010

AMENDED IN ASSEMBLY APRIL 15, 2010

AMENDED IN ASSEMBLY MARCH 10, 2010

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

ASSEMBLY BILL

No. 1675

Introduced by Assembly Member Hagman
(Coauthors: Assembly Members DeVore, Gilmore, Jones, Smyth,
and Solorio)

January 21, 2010

An act to amend Section 19.8 of, and to add Section 602.13 to, the Penal Code, relating to trespassing.

LEGISLATIVE COUNSEL'S DIGEST

AB 1675, as amended, Hagman. Trespassing: animal enclosures at zoos, circuses, and traveling animal exhibits.

Under existing law, every person who willfully enters and occupies real property without the consent of the owner, owner's agent, or person in lawful possession, is guilty of a misdemeanor.

This bill would, with exemptions for employees and public officers, make it an infraction or a misdemeanor to enter an animal enclosure at a zoo, defined to include a public aquarium, or at a circus or traveling animal exhibit, without the consent of the governing authority of the zoo, circus, or traveling animal exhibit, or a representative of that governing authority. Because this bill would create a new crime, it would impose a state-mandated local program.

The bill would incorporate additional changes in Section 19.8 of the Penal Code proposed by AB 451 and AB 1829, to be operative only if this bill and one or both of the other bills are chaptered and become effective on or before January 1, 2011, and this bill is chaptered last.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 19.8 of the Penal Code is amended to
2 read:

3 19.8. The following offenses are subject to subdivision (d) of
4 Section 17: Sections 193.8, 330, 415, 485, 490.7, 555, 602.13,
5 652, and 853.7 of this code; subdivision (n) of Section 602 of this
6 code; subdivision (b) of Section 25658 and Sections 21672,
7 25658.5, 25661, and 25662 of the Business and Professions Code;
8 Section 27204 of the Government Code; subdivision (c) of Section
9 23109 and Sections 12500, 14601.1, 27150.1, 40508, and 42005
10 of the Vehicle Code, and any other offense which the Legislature
11 makes subject to subdivision (d) of Section 17. Except where a
12 lesser maximum fine is expressly provided for a violation of any
13 of those sections, any violation which is an infraction is punishable
14 by a fine not exceeding two hundred fifty dollars (\$250).

15 Except for the violations enumerated in subdivision (d) of Section
16 13202.5 of the Vehicle Code, and Section 14601.1 of the Vehicle
17 Code based upon failure to appear, a conviction for any offense
18 made an infraction under subdivision (d) of Section 17 is not
19 grounds for the suspension, revocation, or denial of any license,
20 or for the revocation of probation or parole of the person convicted.

21 SEC. 1.3. *Section 19.8 of the Penal Code is amended to read:*

22 19.8. The following offenses are subject to subdivision (d) of
23 Section 17: Sections 193.8, 330, 415, 485, 490.7, 555, 602.13,
24 652, and 853.7 of this code; subdivision (n) *and subparagraph (A)*
25 *of paragraph (2) of subdivision (z)* of Section 602 of this code;
26 subdivision (b) of Section 25658 and Sections 21672, 25658.5,

25661, and 25662 of the Business and Professions Code; Section 27204 of the Government Code; subdivision (c) of Section 23109 and Sections 12500, 14601.1, 27150.1, 40508, and 42005 of the Vehicle Code, and any other offense which the Legislature makes subject to subdivision (d) of Section 17. Except where a lesser maximum fine is expressly provided for a violation of any of those sections, any violation which is an infraction is punishable by a fine not exceeding two hundred fifty dollars (\$250).

Except for the violations enumerated in subdivision (d) of Section 13202.5 of the Vehicle Code, and Section 14601.1 of the Vehicle Code based upon failure to appear, a conviction for any offense made an infraction under subdivision (d) of Section 17 is not grounds for the suspension, revocation, or denial of any license, or for the revocation of probation or parole of the person convicted.

SEC. 1.5. Section 19.8 of the Penal Code is amended to read:

19.8. The following offenses are subject to subdivision (d) of Section 17: Sections 193.8, 330, 415, 485, 490.7, 555, 602.13, 652, and 853.7 of this code; *subdivision (c) of Section 532b, and subdivision (n) of Section 602 of this code; subdivision (b) of Section 25658 and Sections 21672, 25658.5, 25661, and 25662 of the Business and Professions Code; Section 27204 of the Government Code; subdivision (c) of Section 23109 and Sections 12500, 14601.1, 27150.1, 40508, and 42005 of the Vehicle Code, and any other offense which the Legislature makes subject to subdivision (d) of Section 17. Except where a lesser maximum fine is expressly provided for a violation of any of those sections, any violation which is an infraction is punishable by a fine not exceeding two hundred fifty dollars (\$250).*

Except for the violations enumerated in subdivision (d) of Section 13202.5 of the Vehicle Code, and Section 14601.1 of the Vehicle Code based upon failure to appear, a conviction for any offense made an infraction under subdivision (d) of Section 17 is not grounds for the suspension, revocation, or denial of any license, or for the revocation of probation or parole of the person convicted.

SEC. 1.7. Section 19.8 of the Penal Code is amended to read:

19.8. The following offenses are subject to subdivision (d) of Section 17: Sections 193.8, 330, 415, 485, 490.7, 555, 602.13, 652, and 853.7 of this code; *subdivision (c) of Section 532b, and subdivision (n) and subparagraph (A) of paragraph (2) of subdivision (z) of Section 602 of this code; subdivision (b) of*

1 Section 25658 and Sections 21672, 25658.5, 25661, and 25662 of
2 the Business and Professions Code; Section 27204 of the
3 Government Code; subdivision (c) of Section 23109 and Sections
4 12500, 14601.1, 27150.1, 40508, and 42005 of the Vehicle Code,
5 and any other offense which the Legislature makes subject to
6 subdivision (d) of Section 17. Except where a lesser maximum
7 fine is expressly provided for a violation of any of those sections,
8 any violation which is an infraction is punishable by a fine not
9 exceeding two hundred fifty dollars (\$250).

10 Except for the violations enumerated in subdivision (d) of Section
11 13202.5 of the Vehicle Code, and Section 14601.1 of the Vehicle
12 Code based upon failure to appear, a conviction for any offense
13 made an infraction under subdivision (d) of Section 17 is not
14 grounds for the suspension, revocation, or denial of any license,
15 or for the revocation of probation or parole of the person convicted.

16 SEC. 2. Section 602.13 is added to the Penal Code, to read:

17 602.13. (a) Every person who enters into an animal enclosure
18 at a zoo, circus, or traveling animal exhibit, if the zoo, circus, or
19 exhibit is licensed or permitted to display living animals to the
20 public, and if signs prohibiting entrance into the animal enclosures
21 have been posted either at the entrance to the zoo, circus, or
22 traveling animal exhibit, or on the animal enclosure itself, without
23 the consent of the governing authority of the zoo, circus, or
24 traveling animal exhibit, or a representative authorized by the
25 governing authority, is guilty of an infraction or a misdemeanor,
26 subject to Section 19.8. This subdivision shall not apply to an
27 employee of the zoo, circus, or traveling animal exhibit, or to a
28 public officer acting within the course and scope of his or her
29 employment.

30 (b) For purposes of this section, “zoo” means a permanent or
31 semipermanent collection of living animals kept in enclosures for
32 the purpose of displaying the animals to the public. The term “zoo”
33 includes a public aquarium displaying aquatic animals.

34 (c) For purposes of this section, an “animal enclosure” means
35 the interior of any cage, stall, container, pen, aquarium or tank, or
36 other discrete containment area that is used to house or display an
37 animal and that is not generally accessible to the public.

38 (d) Prosecution under this section does not preclude prosecution
39 under any other provision of law.

1 *SEC. 3. (a) Section 1.3 of this bill incorporates amendments*
2 *to Section 19.8 of the Penal Code proposed by both this bill and*
3 *AB 451. It shall only become operative if (1) both bills are enacted*
4 *and become effective on or before January 1, 2011, (2) each bill*
5 *amends Section 19.8 of the Penal Code, (3) AB 1829 is not enacted*
6 *or as enacted does not amend that section, and (4) this bill is*
7 *enacted after AB 451, in which case Sections 1, 1.5 and 1.7 of this*
8 *bill shall not become operative.*

9 *(b) Section 1.5 of this bill incorporates amendments to Section*
10 *19.8 of the Penal Code proposed by both this bill and AB 1829. It*
11 *shall only become operative if (1) both bills are enacted and*
12 *become effective on or before January 1, 2011, (2) each bill*
13 *amends Section 19.8 of the Penal Code, (3) AB 451 is not enacted*
14 *or as enacted does not amend that section, and (4) this bill is*
15 *enacted after AB 1829, in which case Sections 1, 1.3 and 1.7 of*
16 *this bill shall not become operative.*

17 *(c) Section 1.7 of this bill incorporates amendments to Section*
18 *19.8 of the Penal Code proposed by this bill, AB 451, and AB 1829.*
19 *It shall only become operative if (1) all three bills are enacted and*
20 *become effective on or before January 1, 2011, (2) all three bills*
21 *amend Section 19.8 of the Penal Code, and (3) this bill is enacted*
22 *after AB 451 and AB 1829, in which case Sections 1, 1.3 and 1.5*
23 *of this bill shall not become operative.*

24 ~~SEC. 3.~~

25 *SEC. 4. No reimbursement is required by this act pursuant to*
26 *Section 6 of Article XIII B of the California Constitution because*
27 *the only costs that may be incurred by a local agency or school*
28 *district will be incurred because this act creates a new crime or*
29 *infraction, eliminates a crime or infraction, or changes the penalty*
30 *for a crime or infraction, within the meaning of Section 17556 of*
31 *the Government Code, or changes the definition of a crime within*
32 *the meaning of Section 6 of Article XIII B of the California*
33 *Constitution.*